
DIGEST

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HB 128 Engrossed

2021 Regular Session

Zeringue

Abstract: Requires the Cash Management Review Board (Board) to review and approve all cybersecurity plans and financial security procedures adopted by each state agency relative to cash management. Requires the implementation and revision of any such plans or procedures to also be approved by the Board. Authorizes the Board to make ongoing assessments of the sufficiency of such adopted plans and procedures. Further provides that all discussions and documents relative to such review, approval, assessment, and implementation are confidential.

Present law establishes the Board for oversight over all state agency banking and checking accounts, including balances therein, as well as the agencies' policies and procedures for handling receipts in and disbursements from such accounts. Defines "state agency" to mean each state agency, department, board, or commission required to deposit monies in the state treasury in accordance with present constitution (Art. VII, Section 9(A)).

Proposed law retains present law. Requires each state agency to adopt a cybersecurity plan and financial security procedures relative to cash management. Further requires each agency to submit its adopted cybersecurity plan and financial security procedures to the review board within 90 days of the effective date of proposed law. Thereafter, requires each agency to submit any revisions to such plans or procedures to the review board. Requires the Board to review and approve such plans, procedures, and revisions. Grants the board authority to review implementation of such plans and procedures and make ongoing assessments of the sufficiency of such plans and procedures. Provides that all discussions and records involved in such review and approval are confidential and prohibits release under present law (La. Public Records Law-R.S. 44:1, et seq.).

Present law establishes the Open Meetings Law (R.S. 42:11, et seq.), which requires meetings of public bodies to be open to the public. Present law further provides exceptions to the open meeting requirement, allowing bodies to discuss certain limited items outside of public view. One such exception in present law is for discussion regarding the report, development, or course of action regarding security personnel, plans or devices. Proposed law retains present law and adds to this exception discussions concerning cybersecurity plans, financial security procedures, and assessment and implementation of any such plans or procedures.

Present law (La. Public Records Law-R.S. 44:1, et seq) generally requires all books, records, writings, or any other material, regardless of physical form or characteristic, that are or have been used in the conduct or performance of any public business to be made available for public inspection. Further provides exceptions to this public inspection requirement for certain specified public records.

Proposed law adds to present law exceptions any documents involved in the review and approval of cybersecurity plans, financial security procedures, and the assessment and implementation of any such plans or procedures. This includes documents in the possession of the Board or a state agency, department, board, or commission required to deposit monies in the state treasury in accordance with present constitution (Art. VII, Section 9(A)).

Proposed law directs the Louisiana State Law Institute to correct present law references in R.S. 39:372 in the revised statutes to conform with the provisions of proposed law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 39:372(D)-(H), R.S. 42:17(A)(3), and R.S. 44:4.1(B)(25); Adds R.S. 39:372(I) and R.S. 44:4(59))